

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RAYMOND WOOLLARD, *et al.*,

*

Plaintiffs,

*

v.

*

Civil Case No. 1:10-cv-2068-BEL

MARCUS BROWN, *et al.*,

*

Defendants.

*

* * * * *

**CONSENT MOTION FOR EXPEDITED BRIEFING ON MOTION FOR
CLARIFICATION OR AMENDMENT OF ORDER AND FOR
IMMEDIATE STAY PENDING APPEAL**

The defendants, through counsel, move for an order expediting the briefing schedule for the defendants' Motion for Clarification or Amendment of Order and for Immediate Stay Pending Appeal ("Motion for Clarification and Stay"), for the following reasons:

1. On March 2, 2012, the Court filed its Memorandum Opinion in this case (ECF No. 52). The Memorandum Opinion was entered on March 5, 2012, which is when the defendants became aware of it.

2. In the Memorandum Opinion, the Court holds that § 5-306(a)(ii) of the Public Safety Article of the Maryland Code is unconstitutional.

3. Also on March 2, 2012, the Court issued an order granting the plaintiffs' motion for summary judgment and denying the defendants' cross-motion for summary

judgment (ECF No. 53) (the “Order”). The Order was also not entered until March 5, 2012.

4. Immediately prior to filing this motion, the defendants filed the Motion for Clarification and Stay. In the Motion for Clarification and Stay, the defendants seek from the Court orders: (1) clarifying the relief awarded in the Order, in particular with respect to the extent, if any, that the Court intended to award injunctive relief; and (2) staying such relief pending appeal.

5. As recognized in the Memorandum Opinion, it is “[b]eyond peradventure [that] public safety and the prevention of crime are substantial, indeed compelling, government interests.” ECF No. 52 at 18. Although this Court found that § 5-306(a)(ii) employs “overly broad means . . . to advance this undoubtedly legitimate end,” *id.*, it recognized that at least some of the defendants’ concerns animating their defense of this law “present[] an unquestionable threat to public safety,” *id.* at 19.

6. In light of the significant and time-sensitive issues involved, and other considerations more fully discussed in the Motion for Clarification and Stay, *see* Motion for Clarification and Stay (ECF No. 54) at 11-18, the defendants hereby request that the Court enter an expedited briefing schedule requiring that the plaintiffs respond to the Motion for Clarification and Stay on or before Monday, March 12, 2012.

7. Counsel for the defendants have conferred with counsel for the plaintiffs with respect to the defendants’ intent to seek an expedited briefing schedule. Counsel for the plaintiffs have represented that plaintiffs would consent to the deadline for their

response to the Motion for Clarification and Stay being Friday, March 16, 2012, provided that the Motion for Clarification and Stay is filed on Wednesday, March 7, 2012.

Respectfully submitted,

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March 7, 2012

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